

**Quarles & Brady LLP**  
Firm State Bar No. 00443100  
Renaissance One  
Two North Central Avenue  
Phoenix, AZ 85004-2391  
TELEPHONE 602.229.5200

*Attorneys for Defendant U.S. Bank National  
Association ND*

C. Bradley Vynalek (#020051)  
[brad.vynalek@quarles.com](mailto:brad.vynalek@quarles.com)  
Sarah R. Anchors (#25344)  
[sarah.anchors@quarles.com](mailto:sarah.anchors@quarles.com)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

David Colby and Diana Colby,  
Plaintiffs,  
v.  
U.S. Bank National Association,  
Equifax Inc., and Transunion, Inc.,  
Defendants.

Case No. \_\_\_\_\_  
(Formerly McDowell Mountain Justice  
Court Case No. CC2015184202)

## **NOTICE OF REMOVAL**

Defendant U.S. Bank National Association ND ("USB") hereby gives notice of removal of the civil action captioned *David Colby and Diana Colby v. U.S. Bank National Association ND, et al.*, Case No. CC2015184202 (the "Justice Court Action"), from the Justice Court, McDowell Mountain Precinct, Maricopa County, State of Arizona (the "Justice Court"), to the United States District Court for the District of Arizona.

USB files this notice pursuant to 28 U.S.C. § 1446(a) and L.R. Civ. 3.6. The United States District Court has jurisdiction over this case under 28 U.S.C. § 1331. Undersigned counsel verifies that a complete copy of the filings in the Justice Court Action, obtained from the Justice Court are attached hereto as **Exhibit "A"**. The verification is attached hereto as **Exhibit "B"**.

As grounds for removal of this action, USB states as follows:

1       1. USB's Minnesota agent for service was served with a copy of the Summons  
2 and Complaint on November 3, 2015. Defendant Equifax Inc.'s Arizona agent for service  
3 was served with the Summons and Complaint on October 9, 2015. Defendant Transunion,  
4 LLC's Arizona agent for service was served with the Summons and Complaint on October  
5 9, 2015. This Petition is timely filed within the thirty (30) day period for removal of this  
6 action to this Court as required by 28 U.S.C. § 1446(b).

7       2. Venue lies in the Phoenix Division of this Court under 28 U.S.C. §§ 1391.  
8 This action was originally brought in the McDowell Mountain Justice Court in the State of  
9 Arizona, and the events alleged in the Complaint appear to have occurred in Maricopa  
10 County, Arizona.

11      3. Defendants Equifax and Transunion have filed answers, each reserving the  
12 right to remove. Equifax and Transunion, through their counsel, consent to removal.

13      4. USB has not yet filed an answer nor otherwise responded to the Complaint  
14 in the Justice Court Action. USB hereby reserves all defenses under Fed. R. Civ. P. 12.

15      5. The United States District Court has original jurisdiction over this action  
16 under 28 U.S.C. § 1331 because this is a civil action arising under the laws of the United  
17 States. Specifically, Plaintiffs' claim against USB allegedly arises under the Fair Credit  
18 Reporting Act, 15 U.S.C. § 1681 *et seq.* See Complaint at Exh. A.

19      6. USB has filed a copy of this Notice with the Clerk of the McDowell  
20 Mountain Justice Court, pursuant to 28 U.S.C. § 1446(d) and a copy (without exhibits  
21 thereto) is attached hereto as **Exhibit C**.

22      WHEREFORE, USB respectfully requests that upon the filing of this Notice of  
23 Removal, the Justice Court Action be removed to, and proceed hereinafter, in this Court,  
24 and that no further proceedings in this matter take place in the Justice Court.

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1 RESPECTFULLY submitted this 3rd day of December, 2015.  
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4 QUARLES & BRADY LLP  
5 Renaissance One  
6 Two North Central Avenue  
7 Phoenix, AZ 85004-2391  
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9

10 By /s/ Sarah R. Anchors  
11 C. Bradley Vynalek  
12 Sarah R. Anchors  
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14

15 *Attorneys for Defendant U.S. Bank National  
16 Association ND*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 3, 2015, I electronically transmitted the attached document to the Clerk's Office using the ECF System for filing and mailed a copy of the Notice of Electronic Filing to the following individual by U.S. Mail:

19 McCarthy Law PLC  
20 Kevin Fallon McCarthy, Esq.  
Joon Kee, Esq.  
4250 N. Drinkwater Blvd., Suite 320  
Scottsdale, AZ 85251  
*Attorneys for Plaintiffs*

21 Philip R. Wooten PC  
22 Philip R. Wooten, Esq.  
3413 E. Equestrian Trial  
Phoenix, Arizona 85044-3403  
*Attorneys for Defendant Trans Union LLC*

23 Snell & Wilmer L.L.P.  
Jacob C. Jones, Esq.  
One Arizona Center  
400 East Van Buren St., Ste. 1900  
Phoenix, Arizona 85004-2202  
*Attorneys for Defendant Equifax Inc.*

25 /s/ Linnea Mahoney  
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